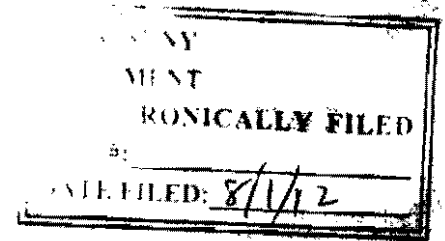


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

:
: **ORDER REGULATING**
: **DISCOVERY: RULE 35**
: **EXAMINATIONS BY DOCTOR**
: **SPECIALISTS**
:

: 21 MC 102 (AKH)
:

----- X
ALVIN K. HELLERSTEIN, U.S.D.J.:

The parties, by joint letter of July 25, 2012 submitted pursuant to my Individual Rule 2E, tendered their dispute for my rulings. Three plaintiffs are involved: Jerzy Muszkatel (06 Civ. 5285), Alex Sanchez (05 Civ. 1091), and Waldyslaw Kwasnik (07 Civ. 11291). Defendants' notice scheduled examinations at Columbia Presbyterian Hospital under the auspices of Dr. William Bulman but conducted by Dr. James McCluskey. I rule as follows:

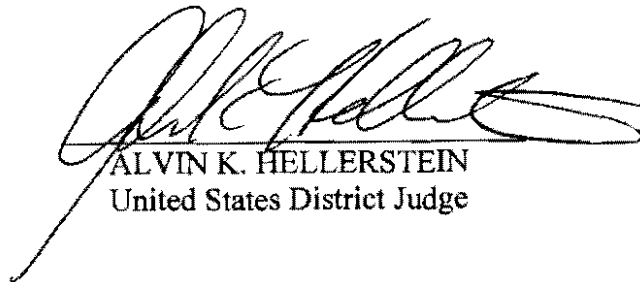
1. Only one doctor may be in the examination room with one plaintiff. No one else may enter.

If a plaintiff wishes to consult with his lawyer, he may exit the room to conduct the consultation. Dr. Bulman's presence in the examination room, although said to be necessary by the rules of the Hospital, is not permitted, regardless of the Hospital's rules.

2. Dr. McCluskey, although not licensed in New York State, is competent to conduct the proposed examination.
3. Dr. McCluskey will have to deliver his expert's report based on the record of information provided by information in the record, as it now exists or as it may hereafter be supplemented, plus supplementation as to details normal in such interviews. If further information is required, it shall be elicited through conventional methods of discovery.

4. If the parties wish additional guidance from the court, they shall furnish, pursuant to Rule 2E, the precise complaints of the plaintiff being examined, based on the plaintiff's sworn answers to the court-ordered interrogatories, plus sworn supplementation, along with a description of the issue in dispute.

Dated: August 1, 2012
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge